

REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1 – 9, and 11 – 28 are currently active in this case. Claims 1 -, 9, 14, 15, 20, and 21, and the Specification have been amended by way of the present amendment. All amendments are supported by the specification as originally submitted and no new matter has been added.

In the outstanding Office Action, Claims 1 – 7, 9, 14 – 15 and 20 – 21 we objected to based on informalities; Claims 1 – 5, 11 – 13, and 21 were rejected under 35 U.S.C. 112, second paragraph as being indefinite; Claims 1-7, 9, 11-15, 20, and 21 were identified as containing allowable subject matter; and Claims 8, 16-19, and 22-28 were allowed.

Applicants appreciatively acknowledge the Examiner's identification of allowable subject matter in Claims 1-7, 9, 11-15, 20, and 21, and the allowance of Claims 8, 16-19, and 22-28.

Applicants have amended Claims 1, 2, 5, 7, 15, and 20 as suggested by the Examiner in the outstanding Office Action. Accordingly, Applicants respectfully request that the objections be withdrawn.

Applicants have further amended Claims 4 by removing 'the' and therefore removing the need for an antecedent basis for "plurality of upstream channels." Applicants have also changed "a message" to be "a control message" to distinguish the claim language from the message of Claim 1. However, Applicants respectfully submit that the message and control message are not necessarily different messages but could be different parts of the same message.

Applicants respectfully traverse the rejection of Claim 11 and 12 as appearing to be in conflict. Applicants respectfully submit that any perceived conflict in Claims 11 and 12 is resolved when viewed as two different claims dependent from the same parent claim. Claims 11 and 12 merely identify two alternate forms that the downstream channel may take, as a separate control channel (as in Claim 11, as discussed on page 21, lines 2-5, which describe determining

capabilities via a downstream control channel), or, optionally, as one of the plurality of downstream channels (as in Claim 12, as discussed on page 21, lines 12-20). Accordingly, Applicants respectfully submit that Claim 11 and 12, as different branch dependent claims do not conflict.

Regarding Claim 21, Applicants have defined the acronym MPEG consistent with its customary and well known meaning in the art (Motion Picture Expert Group). The specification has been further amended to be consistent with that customary and well known meaning.

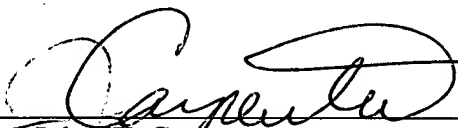
Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

Dated: January 3, 2006

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